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Steven E. Bach Attorney at Law 10 Roberts Road Newtown Square, PA 19073			EXAMINER MUSA, ABDELNABI O	
			ART UNIT 2146	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/735,965

Applicant(s)

KARSTENS, CHRISTOPHER  
KENT

Examiner

Abdelnabi O. Musa

Art Unit

2146

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Acknowledgment is made for the applicant's response and amendment filed on 10/24/2007.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim(s) 1-3, 5-7, 9-13, 15 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Szeto Patent No.: (US 7,188,143 B2)

As per **claim 1**, Szeto teaches a computer-readable medium (a computer readable medium such as a computer readable storage Col. 3, Line 5) whose contents cause a source computer to control the use of content carried over a content controlled instant message session with a target computer, (technologies for controlling an application in an instant messaging environment are described, Abstract; Col. 1, Line 21) the source computer having a program for performing the (program instruction

within the storage medium computer Col. 3, Line 7; program to communicate with users Col. 8, Line 24) steps of:

determining a requested use attribute for instant message content generated by the source computer (the instant messaging environment can request and retrieve applications and instant messages based on the identifier 'from both clients and users' Col. 3, Line 1);

sending the requested use attribute to the target computer (the control message is sent to IM clients which implements the requested IM applications Col. 13, Line 53);

receiving an indication verifying whether a content controlled instant message session is supported at the target computer (a code or signature is used to verify the integrity of the environment Col. 8, Line 65) ; and

establishing the content controlled instant message session having a session use attribute based upon the requested use attribute with the received indication (a control message for sending and receiving the message and selecting an IM environment to execute the applications Col. 3, Line 28; FIG. 4), the content controlled instant message session controlling the use of content provided over the session at the target computer in accordance with the session use attribute (user interface commands that control the content and the display of the IM application between the user and the client Col. 5, Line 36. FIG. 2; instant messaging server that interact between a client and a user Col. Col. 6, Line 6).

As per **claim 2**, Szeto teaches a the computer-readable medium of claim 1 (a computer readable medium such as a computer readable storage Col. 3, Line 5) wherein the received indication further includes an indication that a content use feature on the target computer corresponding to the requested use attribute has been activated. (an environment in the instant messaging system that gives the user options to activate and indicate the user content features on the client side Col. 1, Line 40; FIG. 1; start function for IM window activation Col. 9, Line 35; FIG. 5).

As per **claim 3**, Szeto teaches the computer-readable medium of claim 2 (a computer readable medium such as a computer readable storage Col. 3, Line 5) wherein the content use feature is a disabled printing function, a disabled screen capture function (user interface function controlling IM applications were a monitor screen has containing the history window Col. 13, Line 56), a disabled third party join function (using a third party servers for instant messaging Col. 4, Line 8; Col. 12, Line 36; FIGs 10), a disabled clipboard copy function, or a disabled logging function at the target computer (Instant messaging servers may perform various functions for communications and conversions Col. 1, Line 32; Col. 1, Line 48; Col. 5, Line 46; FIG. 1, 3).

As per **Claim 4**, (Canceled)

As per **claim 5**, Szeto teaches the computer-readable medium of claim 1 (a computer readable medium such as a computer readable storage Col. 3, Line 5) further comprising: updating the session use attribute during communication over the content controlled instant message session after the establishing of the content controlled instant message session step (the instant messaging server retrieves and updates the client's environment from the network Col. 6, Line 34; Col. 9, Line 49).

As per **claim 6**, Szeto teaches a computer-readable medium (a computer readable medium such as a computer readable storage Col. 3, Line 5) whose contents enable a source computer to control the use of content carried over a content controlled instant message session at a target computer (the instant messages and content are downloaded and controlled from a central source to the clients Col. 10, Line 34; FIGs. 10), the target computer having a program (program instruction within the storage medium computer Col. 3, Line 7; program to communicate with users Col. 8, Line 24) for performing the steps of:

receiving a first message containing a first requested use attribute from the source computer (the control message is sent to a client requesting the IM application Col. 13, Line 53; FIG. 13);

reading the first requested use attribute (the messaging environment can read the information available to client Col. 12, Line 5; FIGs. 9);

determining whether a content use feature corresponding to the first requested use attribute is supported on the target computer (the instant messaging environment

determines whether a supporting application is required Col. Abstract; Col. 2, Line 57; Col. 13, Line 8; FIGs. 12); and

sending a second message indicating the support of the content use feature to the source computer (a sending instant messaging environment identifying the application status Col. 2, Line 41; when first client is identified and supported the control message sends sets a message to a second client and executing the application in the messaging environment Col. 3, Line 16-35; Col. 5, Line 40).

As per **claim 7**, Szeto teaches the computer-readable medium of claim 6 (a computer readable medium such as a computer readable storage Col. 3, Line 5) wherein the program further comprises the step of: activating the content use feature on the target computer (an environment in the instant messaging system that gives the user options to activate and indicate the user content features on the client side Col. 1, Line 40; FIG. 1; start function for IM window activation Col. 9, Line 35; FIG. 5).

As per **claim 9**, Szeto teaches the computer-readable medium of claim 6 (a computer readable medium such as a computer readable storage Col. 3, Line 5) wherein the second message includes a first unsupported use attribute (the instant messaging environment determines whether a supporting application is required Col. Abstract; Col. 2, Line 57; Col. 13, Line 8; FIGs. 12), the first unsupported use attribute defining the feature on the target computer which may not be activated (an environment in the instant messaging system that gives the user options to activate and indicate the

user content features on the client side Col. 1, Line 40; FIG. 1; start function for IM window activation Col. 9, Line 35; FIG. 5).

As per **claim 10**, Szeto teaches the computer-readable medium of claim 6 (a computer readable medium such as a computer readable storage Col. 3, Line 5) wherein the program (program instruction within the storage medium computer Col. 3, Line 7; program to communicate with users Col. 8, Line 24) further comprising the steps of:

determining a second requested use attribute for instant message content generated by the target computer (the instant messaging environment can request and retrieve applications and instant messages based on the identifier 'from both clients and users' Col. 3, Line 1), the second requested use attribute corresponding to a second content use feature (user interface displays instant messages and their corresponding environment to the user from the client Col. 5, Line 39; Col. 6, Line 23);

sending the second requested use attribute to the source computer (the control message is sent to IM clients from the source computer which implements the requested IM applications Col. 13, Line 53);

receiving at the source computer an activation indication of the second content use feature (a code or signature is used to verify the integrity of the environment Col. 8, Line 65); and sending an instant message having content controlled by the second content use feature (technologies for controlling an application in a n instant messaging environment, Abstract; Col. 1, Line 21).



As per **claim 11**, Szeto teaches the computer-readable medium of claim 6 (a computer readable medium such as a computer readable storage Col. 3, Line 5) further comprising the step of: updating the first requested use attribute (the instant messaging server retrieves and updates the client's environment from the network Col. 6, Line 34; Col. 9, Line 49)

As per **claim 12**, Szeto teaches the computer-readable medium of claim 10 (a computer readable medium such as a computer readable storage Col. 3, Line 5) further comprising the step of: updating the second requested use attribute (the instant messaging server retrieves and updates the client's environment from the network Col. 6, Line 34; Col. 9, Line 49)

As per **claim 13**, Szeto teaches a computer-readable medium (a computer readable medium such as a computer readable storage Col. 3, Line 5) whose contents cause a computer system to control the use of content over a content controlled instant message session (technologies for controlling an application in a n instant messaging environment are described, Abstract; Col. 1, Line 21), the computer system having a source computer having a source program and a target computer having a target program, the target program having access to disabling a content use feature on the target computer (program instruction within the storage medium computer Col. 3, Line

7; program to communicate with users Col. 8, Line 24; program control or environment program Col. 6, Line 40; Col. 9, Line 51), by performing the steps of:

    sending a requested use attribute for instant message content generated by the source program (the control message is sent to IM clients which implements the requested IM applications Col. 13, Line 53);

    receiving the requested use attribute at the target program (the control message is sent to a client requesting the IM application Col. 13, Line 53; FIG. 13);

    determining whether a content use feature corresponding to the requested use attribute is supported (user interface displays instant messages and their corresponding environment to the user from the client Col. 5, Line 39; Col. 6, Line 23);

    receiving at the source computer an indication of whether the content use feature is supported (a code or signature is used to verify the integrity of the environment Col. 8, Line 65); and

    establishing the content controlled instant message session having a session use attribute defining the content use feature (a control message for sending and receiving the message and selecting an IM environment to execute the applications Col. 3, Line 28; FIG. 4)

As per **claim 15**, Szeto teaches the computer-readable medium of claim 13 (a computer readable medium such as a computer readable storage Col. 3, Line 5) further comprising the following step before the receiving an indication step (a code or

signature is used to verify the integrity of the environment Col. 8, Line 65), the following step comprising:

determining a second requested use attribute to control content sent by the target program (the instant messaging environment can request and retrieve applications and instant messages based on the identifier 'from both clients and users' Col. 3, Line 1)

Regarding claims 8, 14, and 16-30 are related to the same limitation set for hereinabove, where the difference used is the phrase 'method' in most of the claims. The citations from the prior art has been inserted where's necessary. Furthermore, the wordings of the claims were interchanged within the claim itself and this change does NOT effect the limitation of the above treated claims. The claim's limitations seemed to be repeated in many claims throughout the application. Even in the above treated claims many of the statements were just repeated from previously written claims within the application. Even though claims 8, 14, 16-30 have been differently written from the above treated claims, yet the limitations did not change. As mentioned, claim 8 is the same as claim 3, claim 14 is the same as claim 7, claim 16 is the same as claim 3, claim 17 is the same as claim 4, claim 18 is the same as claim 5, claim 19 is the same as claim 1, claim 20 is the same as claim 2, claim 21 is the same as claim 3, claim 22 is the same as claim 4, claim 23 is the same as claim 5, claim 24 is the same as claim 6, claim 25 is the same as claim 7, claim 26 is the same as claim 8, claim 27 is the same as claim 9, claim 28 is the same as claim 10, claim 29 is the same as claim 11, claim 30 is the same as claim 12. a repeated minor difference was introduced between claims 8,

14, 16-30 and the above treated ones that did NOT change the limitations is that, for example, sending a request from the client is the same as sending a request from the source where the process is done by a server and instruction code, again there are no difference in limitations between claims 8, 14, and 16-30 and the above treated claims.

As per **claim 31**, Szeto teaches the computer-readable medium of claim 1 (a computer readable medium to store data files Col. 3, Line 5) wherein the content use function is a recording or reproduction function (an instant messaging server in the computer readable medium may record functions and event to be retrieved at a later time Col. 11, Line 50; Col. 13, Line 37)

### ***Response to Arguments***

With respect to the applicant's argument that Szeto does not disclose or suggest a "determining a requested use attribute for instant message content generated by the source computer" and the applicant states that Szeto does not disclose or suggest "controlling use of instant content beyond the presentation of the content at the user interface" In contrary, the cited reference(s), Szeto, disclose and suggest a messaging server that generates instant messages for clients whereas the instant message environment creates a control message that is sent to IM clients which implements the requested IM application that is generated and controlled by the IM application process to control clients in their IM environment . Also the instant messaging environment

identifies a selected instant messaging application at the client's site and generates a control message enables the user to generally exercise a certain amount of control over the appearance and operation of his instant messaging client. The instant messaging environment is controlled by a central instant messaging server for all users. A user may select or modify an instant messaging environment and in one environment a central instant messaging server may itself specify or modify an environment.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., use attribute is setting at the at the target computer including disabling some functions that may compromise the security if the messaging environment) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant's argument that Szeto does not disclose or suggest "sending the requested use attribute to the target computer and receiving an indication verifying whether a content controlled instant message session is supported at the target computer" However, Szeto discloses and suggests the user or the target computer, namely the client have the ability to access and use the instant messaging content beyond the conversational user interface. The instant messaging client may execute some other functions or play sounds. Also conversation user interface provide users with interfaces for creating, viewing, editing or modifying content to send to send

between IM clients. The instant messaging client verifies content use controls and sends back a message to the central instant messaging server through the identifier that is assigned to the instant messaging environment to control messages.

The applicant's argument that Szeto does not disclose or suggest "the received indication further includes an indication that a use content feature on the target computer corresponding to the requested use attribute has been activated" and "the controlled use of content feature is a disabled printing function, a disabled screen capture function, a disabled third party join function, a disabled clipboard copy function, or a disabled logging function at the target computer" In contrary, the cited reference(s), Szeto, disclose and suggest a messenger controlled IM application wherein the instant messaging environment contains a source of the environment that facilitates tracking of the environment use and monitor the client's use of any functions. Also the instant messaging server may track statistics about clients and record all clients activates and factions that may have been executed by clients. The instant message environment creates a control message that is sent to IM clients generated and controlled by the IM application process to control clients in their IM environment. The instant messaging environment is controlled by a central instant messaging server for all users. A user may select or modify an instant messaging environment and in one environment a central instant messaging server may itself specify or modify an environment. For this reason, the instant messaging environment is only updated from the central server to ensure security measures and control over content.

The applicant's argument that Szeto does not disclose or suggest "updating the session use attribute during communication over the content controlled instant message session after the establishing of the content controlled instant message session step" also, Szeto does not disclose or suggest "the target computer having a program for performing the steps of: receiving a first message containing a first requested use attribute from the source computer; reading the first requested use attribute; determining whether a content use feature corresponding to the first requested use attribute is supported on the target computer; and sending a second message indicating the support of the content use feature to the source computer." However, Szeto discloses and suggests the client changing use attribute during messaging session. the instant messaging client may use a side Variety of functionality and user interactivity during a messaging session. clients may share photos, videos, music and sensitive data that can be hosted on servers communicating with the instant messaging clients. Moreover Szeto discloses and suggests instant messaging programs at the client computer that allow users to send and receive messages and reads other clients content and determines whether content is supported to the central IM server also other programs are implemented at the client computer to allow users to select and modify an environment and defines how the environment looks like and behaves.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelnabi O. Musa whose telephone number is 571-2701901. The examiner can normally be reached on Monday thru Friday: 7:30am to 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on 571-2726798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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A.M



JEFFREY PWU  
SUPERVISORY PATENT EXAMINER